

#### 4VAC15-90-540 (New)

#### Game: Deer: Special elk hunting license – Landowner License Program

##### **Summary:**

The proposal establishes and outlines a program to provide access for elk hunting on private lands within the Elk Management Zone.

##### **Proposed language of the amendment:**

#### **4VAC15-90-540. Special elk hunting license – Landowner License Program**

- A. Upon receipt of a valid Landowner License Program application from a landowner within the Elk Management Zone, the Director or their designee shall verify the application materials and have sole discretion in enrolling the property in the Landowner License Program. Applications must be received or postmarked by July 1<sup>st</sup> each year to be eligible for the Landowner License Program during that calendar year.
- B. A valid Landowner License Program application shall include:
  - 1) Landowner's name, home address, telephone number, and address of the property to be enrolled in the program.
  - 2) A recorded survey or other legal documentation certifying that the property to be enrolled is ≥50 contiguous acres.
  - 3) Affidavit that elk hunters on the enrolled property shall not be charged a fee.
  - 4) Original signature of the landowner.
  - 5) Only a single application per license year, per landowner.
- C. Landowners enrolled in the Landowner License Program maintain the right to limit access to certain areas of the property for safety or privacy reasons, provided a minimum of 50 acres are open to elk hunting. Areas of limited access must be outlined in the initial application. Enrollment in the Landowner License Program does not preclude or limit in any way the landowner from allowing other hunting or hunters on the property.
- D. The department shall determine and make available to the public a program guidance document outlining how landowners enrolled in the Landowner License Program shall accrue points toward a special elk hunting license, the number of points necessary to be awarded such license, and other program requirements. The program guidance document will be published annually prior to June 1.
- E. Landowners who accrue the necessary number of points, as defined in the program guidance document, on an enrolled property may request one (1) either-sex special elk hunting license from the department. A request for a special hunting license must be submitted prior to July 1<sup>st</sup> in the year the license is to be used. Once a request for a special elk hunting license is made, landowners lose all accrued points. There is no time limit over which a landowner is required to accrue license points. Landowners shall not combine points from separate enrolled properties.
- F. Landowners enrolled in the Landowner License Program shall not subdivide contiguous properties under the same ownership into multiple, smaller parcels for the purposes of this program.
- G. License points cannot be sold or traded. License points are non-transferable if the property changes ownership except that if the property is inherited from parents, grandparents or children, resident or non-resident, license points may be transferred. The department may request

documentation to certify the relationship between seller and purchaser as well as a copy of bill of sale.

- H. Landowners receiving a special elk hunting license shall comply with all of the requirements established in this administrative regulation as well as 4VAC15-90-510, 4VAC15-90-520 and Virginia Code § 29.1-305.01. Landowners that fail to comply with either regulation may forfeit any accrued license points, and may not be eligible to accrue new license points.
- I. A special elk hunting license awarded to the landowner shall only be used on the property enrolled with the department in the Landowner License Program.
- J. A landowner may transfer or sell the special elk hunting license to any person eligible to hunt in Virginia. Transfer of the special elk hunting license must be reported to the Department no less than one (1) month prior to the opening day of the elk hunting season during the year in which the special elk hunting license is requested. To report a transfer to the Department, the landowner shall provide the department with the hunter's:
  - 1) Name
  - 2) Department customer identification number
  - 3) Address
  - 4) Telephone number
- K. A special elk hunting license transferee may be rejected if it is determined that the transferee has been convicted of 2 or more wildlife violations, within 3 years prior to the last date of the application period. In determining the transferees' eligibility, the Director shall take into account the nature and severity of the violations.

#### **Rationale:**

Providing elk hunters with adequate lands to pursue elk will play an important role in the success the special elk hunting license program. The opportunity for landowners to earn points toward a special elk hunting license in exchange for providing access for elk hunting on their property (>50 ac) is a non-traditional path to promote public access and provide elk hunter's additional opportunity. This proposal does not limit the landowner's ability to control access to certain portions of the enrolled property or for uses other than elk hunting. A program guidance document will be published yearly, prior to the enrollment deadline, to describe the criteria for a landowner to enroll and earn points toward a special elk hunting license. Limiting the use of the special elk hunting license, earned by the landowner through this program, to the enrolled property balances the opportunity for the landowner to hunt elk and the Department's ability to follow the biological harvest strategy that is established within the EMZ. Allowing the transfer of the special elk hunting license through this program varies from other elk license programs because the landowner is earning the license in exchange for allowing public access for elk hunting, rather than it being awarded through a random drawing. The proposal that a license transferee with a recent and frequent history of wildlife violations may be rejected, will ensure that the limited opportunities that are available to hunt elk within the EMZ are not afforded to those that may not pursue them in a legal and ethical manner.